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Facsimile Transmittal

To the attention of:
Fax numbers:

Mail Stop Petition
571-273-8300
571-273-0125

I certify that this correspondence was sent via facsimile to US Patent and Trademark Office at facsimile numbers 571-273-8300 and 571-273-0125 on August 4, 2006.


David Lewis

From:
Phone and Fax:

David Lewis
408-993-1800

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Re: Docket #: 11-2
Serial No: 10/791,249
Filing Date: March 2, 2004

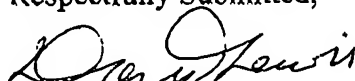
AUG 08 2006

OFFICE OF PETITIONS

Attached is a Request to Withdraw the Petition to Revive, Because the Petition is Moot.

The Commissioner is authorized to charge any payments that may be due and/or credit any overpayments that may have been made to my deposit account #503345 in connection with this communication.

Respectfully Submitted,


David Lewis
Reg. No. 33,101

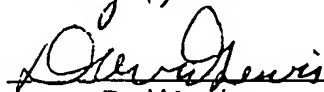
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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450,

and (2) deposited with the United
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fax number 571-273-0125 and 571-
273-8300 on or before the date of

August 4, 2006 by


David Lewis

Serial Number: 10/791,249
Confirmation Number: 5568
Filing Date: March 2, 2004
First Named Inventor: Michael Fiske
Examiner: Unknown
Art Unit: 2183
Docket Number: 11-2

Title:

EFFECTOR
MACHINE
COMPUTATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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OFFICE OF PETITIONS

Request to Withdraw the Petition to Revive, Because the Petition is Moot

On July 25, 2006, a petition to revive the above-identified application was filed by mistake, because the application was never abandoned. The Applicant respectfully requests that the petition be withdrawn and the petition fee be refunded.

Explanation

The Applicant filed PCT/US06/26159, on July 3, 2006, and PCT/US05/44660 on December 9, 2006. At the time of filing the petition to revive, the Applicant's representative had confused these two applications for one another and therefore thought that a rescission of the nonpublication request (and the notification of foreign filing of the present application) had not been filed within the 45 day time period of the filing of

PCT/US05/44660 on December 9, 2006, as would have been necessary to prevent abandonment. However, the subject matter of the current application is not contained within PCT/US05/44660. Although the subject matter of the current application is contained within PCT/US06/26159, 45 days after the filing date (July 3, 2006) of PCT/US06/26159 is August 18, 2006. A rescission of the nonpublication request was filed with the petition to revive on July 25, 2006, which was well before the deadline of August 18, 2006. Additionally, as a precaution a second rescission was filed by facsimile on the same day as this request for withdrawal, except the second rescission has Mail stop PG PUB on it and was faxed to 571-273-8300, whereas the first rescission was mailed to the Office of Petitions with the petition to revive. Accordingly, the current application is not and never was abandoned.

Alternative Request (if the above request cannot be granted)

Alternatively, if for some reason it is not possible to withdraw the petition to revive and refund the petition fee, the Applicant respectfully requests that the above remarks be considered with the Petition to Revive.

Conclusion

The Applicant respectfully requests to withdraw the petition to revive filed on July 25, 2006, because the present application was never abandoned, as explained above, and therefore the petition is moot. Alternatively, if for some reason the US Patent and Trademark Office cannot grant the present request to withdraw the petition to revive, it is requested that the above comments be considered with the petition to revive.

Please charge any fees that may be due (and that have not been paid for elsewhere) and credit any overpayment to Deposit Account # 503345.

Please feel free to contact the Applicant's undersigned representative at 408-993-1800 if contacting the Applicant's undersigned representative will be helpful in any way.

Respectfully Submitted,


David Lewis

Aug 4, 2006
Date

Registration Number 33,101
1250 Aviation Avenue, Suite 200B
San Jose, California 95110

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First Named Inventor: Michael Fiske
Examiner: Unknown
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